UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,455	01/16/2002	Robert Desbiens	33263US1	6511

116 7590 10/07/2005		EXAMINER
PEARNE & GORDON LLP		KENDALL, CHUCK O
1801 EAST 9TH STREET		

	ART UNIT	PAPER NUMBER
SUITE 1200	2192	
CLEVELAND, OH 44114-3108		

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>25 May 2005</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-8</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-8</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Detailed Action

1.   This action is in response to the application filed 5/25/05.

2.   Claims 1 – 8 are pending.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

4.   Claims 1 – 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kevner

USPN 5,956,509.

        Regarding claim 1, Kevner anticipates a system for incrementally executing a

client/server application (4:30 – 35), leveraging existing communications network

infrastructure having at least one client computer and at least one server computer,

wherein the at least one client computer and the at least one server computer are in

communications with each other over one or more communications links within the

network

infrastructure, the system comprising:

a server component comprising a plurality of portions, and provided on the at least one server computer (7:1 – 5); and

a client component provided on the at least one client computer, the client component including one or more command selectors, each of the one or more command selectors having (3:50 – 55):

associated code for selecting a function available from the plurality of portions of the server component (28: 12 – 17, see select command); and

an associated parameter for use by the server component in determining the appropriate portion of the plurality of portions to execute to provide the selected function (28:1 – 5, see RequestDynamicParam routine also see 13:13 - 21);

Whereby the portions are incrementally executed on the server computer in response to the code and parameter from the one or more command selectors for the client/server application (3:30 – 37, 4:30 – 37 and also see 8:14 – 21, which shows executing the service applications 200b on the server as requested by the client).

Regarding claim 2, the system according to claim 1, wherein one portion of the plurality of portions is a compact portion initially executed upon receipt of a first application function request from the client component (FIG. 10, 1001,1010), the compact portion delivering a streamlined subset of functions applicable to commands most commonly requested to provide a fast executing initial portion of the application (9:42 – 55).

Regarding claim 3, which is the method version of claim 1 see rationale above as previously discussed and regarding executing an applicable additional portion of the plurality of portions of the server component for each request received from the client component for an application function not available from any running portion or portions of the server component (16:45 – 60) and running all executed portions until an end session command is received see (45: 5 – 20).

Regarding claim 4, the method according to claim 3, wherein one portion of the plurality of portions is a compact portion initially executed upon receipt of a first application function request from the client component, the compact portion delivering a streamlined subset of functions applicable to commands most commonly requested to provide a fast executing initial portion of the application (8:35 – 50).

Regarding claim 5, which recites similarly to claim 3 see rationale as previously discussed above.

Regarding claim 6, which recites similarly to claim 5 see rationale as previously discussed above.

Regarding claim 7, which recites similarly to claim 3 see rationale as previously discussed above.

Regarding claim 8, which recites similarly to claim 4 see rationale as previously discussed above.

Response to Arguments

4.   Applicant's arguments filed 5/25/05 have been fully considered but they are not persuasive.

Argument (1), Applicant argues on page 6, 5th paragraph of Applicant's response that Kevner doesn't disclose, "incrementally executing a plurality of portions on a server computer".

Response (1), Kevner does in fact disclose this limitation in Column 8, lines 14 – 21, Kevner teaches incrementally executing the service applications 200b on the server as requested by the client.

Argument (2), Applicant also argues on page 7, 2nd paragraph of his response (05/25/05), that Kevner doesn't disclose a combination of code and parameters as disclosed in claim 1.

Response (2), Examiner believes that Kevner does teach this limitation in Column 13, lines 13 – 21, parameters associated with remote requests from client system to server.

Argument (3), Applicant argues on page 7, 3rd paragraph of Applicant's response that Kevner doesn't disclose executing an applicable additional portion of the plurality of portions of the server component for each request received from the client component for an application function not available from any running portion or portions of the server component.

Response (3), Regarding Applicant's argument Kevner teaches sending messages (requests) for additional incremental data to the server from the client, Examiner interprets this to be Applicants claimed limitation.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-2723698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-2723695. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

ck

CHAMELI C. DAS
PRIMARY EXAMINER
8/22/05